

1 HUB LAW OFFICES  
2 Ford Greene, Esquire  
3 California State Bar No. 107601  
4 711 Sir Francis Drake Boulevard  
5 San Anselmo, California 94960-1949  
6 Telephone: (415) 258-0360

7 PAUL MORANTZ, ESQ.  
8 P.O. Box 511  
9 Pacific Palisades, CA 90272  
10 (213) 459-4745

11 Attorney for Defendant  
12 GERALD ARMSTRONG

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 IN AND FOR THE COUNTY OF LOS ANGELES

15 CHURCH OF SCIENTOLOGY )  
16 INTERNATIONAL, a California )  
17 not-for-profit religious )  
18 corporation; )

19 Plaintiffs, )

20 vs. )

21 GERALD ARMSTRONG; DOES 1 )  
22 through 25, inclusive, )

23 Defendants. )

24 AND RELATED CROSS-COMPLAINT )

No. BC 052395

NOTICE OF EX PARTE APPLICATION  
AND EX PARTE APPLICATION TO  
CONTINUE HEARING DATE ON OSC  
RE CONTEMPT; DECLARATION OF  
FORD GREENE; [PROPOSED] ORDER

DATE: February 3, 1993  
TIME: 1:30 p.m.  
DEPT: 86

TRIAL DATE: May 3, 1993  
NO DISCOVERY CUT OFF  
NO MOTION CUT OFF

25 TO DEFENDANT CHURCH OF SCIENTOLOGY INTERNATIONAL AND ITS  
26 ATTORNEYS OF RECORD:

27 PLEASE TAKE NOTICE that on February 3, 1993, at 1:30 p.m. or  
28 as soon thereafter as the matter may be heard in Department 86 of  
the above-entitled Court, defendant Gerald Armstrong will submit  
his ex parte application to continue the hearing date of February

COPY



1 16, 1993, for determination of plaintiff's Order to Show Cause re  
2 Contempt and Motion in Limine to Exclude Evidence.

3 This ex parte application is predicated upon the facts that  
4 Ford Greene, author of defendant's oppositions to Scientology's  
5 motions, and trial counsel herein, has a conflict on February 16,  
6 1993, is currently and for the past three days has been bed-ridden  
7 with acute asthmatic bronchitis. The legal grounds for this  
8 application are Local Rule 261 et. seq. and California Rules of  
9 Court Rule 379.

10 This ex parte application is based upon this notice, the  
11 attached declaration of Ford Greene, the court's files and records  
12 in this case and upon such further and additional matter as  
13 presented to the Court.

14 DATED: February 2, 1993

HUB LAW OFFICES

15  
16 By: 

FORD GREENE

Attorney for Defendant

17  
18  
19 DECLARATION OF FORD GREENE

20 FORD GREENE declares:

21 1. I am an attorney licensed to practice law in the Courts  
22 of the State of California and am the attorney of record for  
23 GERALD ARMSTRONG, defendant herein.

24 2. Scientology's Order to Show Cause Re Contempt pending  
25 against my client is currently set for hearing on February 16,  
26 1993 at 1:30 p.m. in Department 86 of the above-entitled Court. I  
27 cannot appear that date because I have a calendaring conflict. On  
28 February 16, 1993, at 10:00 a.m., I am set to go to trial before



1 the Honorable Vernon Smith in People v. Bracey, Marin County  
2 Superior Court, Case No. SCO 40997. Mr. Bracey is in custody,  
3 time not being waived. February 16, 1993 is the 60th day pursuant  
4 to Penal Code § 1382. It is anticipated that the trial will last  
5 3-4 days. Originally, the Bracey trial was set for February 8,  
6 1993 before the Honorable Michael Dufficy whose involvement in an  
7 extended murder trial compelled him to transfer the case to Judge  
8 Smith. I have attempted to work out some alternative with the  
9 district attorney's office in order to alleviate the above  
10 conflict, but I have been unsuccessful in doing so.

11 3. An additional reason that I seek a continuance of the  
12 OSC hearing is that for the past three days I have been  
13 functionally incapacitated by what has been diagnosed as acute  
14 asthmatic bronchitis. I have been bed-ridden all of each of those  
15 days, and, aside from addressing this and one other compelling  
16 matter today, expect to be down for at least one and possibly two  
17 more days. Attached hereto as Exhibit A is the original letter  
18 from my doctor, Barry S. Landfield, M.D., confirming my medical  
19 condition and status.

20 4. On February 2, 1993 at approximately 10:45 a.m. I  
21 telecopied a letter to Laurie J. Bartilson, Scientology's counsel,  
22 wherein I advised her that my client would seek the ex parte  
23 relief requested herein. In part, said letter stated:

24 Please be advised that on behalf of Mr. Armstrong  
25 an ex parte application will be made on February 3, 1993  
26 at 1:30 p.m. in Department 86, the Honorable Diane Wayne  
27 presiding. The purpose of the ex parte application will  
28 be to continue the hearing on your OSC re Contempt and  
Motion in Limine currently set for February 16, 1993 at  
8:30 a.m.


28

1 A true and correct copy of said letter is attached hereto and  
2 incorporated herein as Exhibit B.

3 5. Based upon the foregoing, it is Armstrong's request that  
4 both matters present set for February 16, 1993 be re-set for any  
5 time from February 23, 1993.

6 Under penalty of perjury pursuant to the laws of the State of  
7 California I hereby declare that the foregoing is true and correct  
8 according to my first-hand knowledge, except those matters stated  
9 to be on information and belief, and as to those matters, I  
10 believe them to be true.

11 Executed on February 2, 1993, at San Anselmo, California

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14 FORD GREENE

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**First Med**  
**M A R I N**  
**MEDICAL CLINIC**

25 Bellam Boulevard  
Suite 101  
San Rafael, CA 94901  
415/258-9500  
Barry S. Landfield, M.D.  
Medical Director

FEBUARY 2, 1993

TO WHOM IT MAY CONCERN,

Ford Greene is under my medical care. Mr. Greene was seen and examined in this office by me. Mr. Greene has been unable to work from Sunday , Jan 31, 1992 and will be unable to perform all his duties until Sunday, Feb 7, 1993.

Please give Mr. Greene all due consideration in this matter. If I can be of any further assistance please do not hesitate to call.

Very truly yours,

A handwritten signature in cursive script that reads "Barry Landfield M.D." The signature is written in dark ink and is positioned above the printed name.

Barry S. Landfield M.D.



FORD GREENE  
LAWYER

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LICENSE No. 107601  
FACSIMILE (415) 456-5318

February 2, 1993

Laurie J. Bartilson  
BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Los Angeles, California 90028

By Telecopier  
213-662-6419

RE: *Church of Scientology International v. Armstrong*  
Los Angeles Superior Court  
Case No. BC 052 395

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Dear Ms. Bartilson:

Please be advised that on behalf of Mr. Armstrong an ex parte application will be made on February 3, 1993 at 1:30 p.m. in Department 86, the Honorable Diane Wayne presiding. The purpose of the ex parte application will be to continue the hearing on your OSC re Contempt and Motion in Limine currently set for February 16, 1993 at 8:30 a.m.

There are two grounds for the application. One is that on the date the hearing in this case is scheduled I am scheduled to commence a felony jury trial in Marin Superior Court where the defendant is in custody, time not waived, and the 16th is the 60th day. I have endeavored to change this date, but am unable to do so. The other reason is that for the past four days I have been seriously ill and in bed with what has been diagnosed as acute asthmatic bronchitis. It is not done with me yet.

I assume that, as usual with respect to every request we make, you are unwilling to cooperate with me this time in re-setting the hearing on the OSC. If, however, my assumption is incorrect, please let me know right away so that we can work something out.

Sincerely,



FORD GREENE

:acg  
cc: Paul Morantz